WP(C) 819/2007

BEFORE

THE HON’BLE MR JUSTICE I. A. ANSARI

Heard Mr. TC Khetri, learned Senior counsel for the petitioners, and Mr. SK Singh, learned counsel, appearing on behalf of the respondent Nos. 1 to 11. Heard also Ms. HN Phukan, learned Government Advocate, appearing on behalf of the remaining respondents.

In view of the fact that the requisition, for the special meeting to be held, in terms of Section 43(3) of the Assam Municipal Act, was given by the respondent Nos. 1 to 11 on 24-01-2007, these respondents could not have, in the light of the provisions of Section 43(3) of the Assam Municipal Act read with Section 9 of the Assam General Clauses Act, held the meeting until expiry of a period of 20 days from the date of giving of the notices to the Chairman and Vice-Chairman of Tezpur Municipality. The meeting, in the present case, could have, therefore, been held not before 14-03-2007. The meeting, thus, held, on 13-02-2007, by the respondent Nos. 1 to 11, is against the mandates of law and every resolution passed, in the said meeting, is void and shall be treated as non est in law

Considering the matter in its entirety and in the interest of justice, the resolutions adopted in the meeting, held on 13-02-2007, are hereby set aside. In view, however, of the fact that the meeting has not been held within the requisite period of 20 days, the respondent Nos. 1 to 11 are legally entitled to hold the meeting as has been sought for by them and adopt such resolutions as are permissible in law. It is, therefore, directed that, as agreed to by the parties to the writ petition, the respondent Nos. 1 to 11 shall remain at liberty to hold the meeting, as have been sought for by them, on 26-03-2007.

The respondent Nos. 1 to 11 shall accordingly remain at liberty to issue notices for the meeting as directed hereinabove.

This writ petition shall stand disposed of in terms of the above observations and directions.